



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

PLANNING COMMISSION

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Promoting the wise use of land  
Helping build great communities

MEETING DATE August 11, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT 691 West Tefft LLC	FILE NO. TRACT 2690 SUB2004-00134
<b>SUBJECT</b> Request by 691 West Tefft, LLC for a Conditional Use Permit and Vesting Tentative Tract Map to allow: 1) a mixed-use planned development including retail, office, and residential uses, and 2) subdivision of an existing 2.85-acre parcel into seven parcels ranging from .07 to 1.5 acres each, which will result in the disturbance of the entire 2.85-acre parcel and two on-site roads. The proposed road names are Blume Street and Tanis Street. The proposed project is within the Commercial Retail land use category and is located at 691 West Tefft Street, approximately 0.25 miles west of Highway 101, in the community of Nipomo, in the South County Inland planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit / Vesting Tentative Tract 2690 based on the findings listed in Exhibits A and C and the conditions listed in Exhibits B and D.			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 7, 2005 for this project. Mitigation measures are proposed to address Air Quality, Geology and Soils, Noise, Public Services/Utilities, Recreation, Transportation/Circulation, and Water, and are included as conditions of approval.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-130-013	SUPERVISOR DISTRICT(S) 4
<b>PLANNING AREA STANDARDS:</b> Sec. 22.112.020 – South County Areawide Standards. Circulation, transit-oriented development. Sec. 22.112.080 – Nipomo Urban Area Standards, communitywide. Connection to sewer. Sec. 22.112.080.C.1 – Commercial Retail <i>Does the project conform to the Planning Area Standards – Yes, see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks) Ch. 22.16 – Landscaping Ch. 22.18 – Parking Sec. 22.22.060 – Commercial Retail Subdivision Design			
<b>EXISTING USES:</b> Vacant			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Commercial Retail / commercial uses, undeveloped South: Residential Multi-Family / residences East: Commercial Retail / commercial West: Commercial Retail / residence			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, County Parks, CDF, Nipomo Community Services District, APCD, Cal Trans	
TOPOGRAPHY: Nearly level	VEGETATION: Grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF	ACCEPTANCE DATE: January 7, 2005

ORDINANCE COMPLIANCE:

*Minimum Parcel Size and Development Standards*

22.22.090 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Commercial and Office land use categories. The standards are based on the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square-foot parcels. The density of residential units must be in compliance with Planning Area Standards and Section 22.10.130 for Residential Multi-Family projects. Sections 22.10, 16, and 18 of the Land Use Ordinance establishes Development Standards. The proposed Tract Map and Conditional Use Permit meets all requirements as follows:

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Density	2.85 acres @ 38 units/acre (108 units)	22 units
Maximum Floor Area	80,926 (65%)	55,446 square feet (45%)
Minimum Open Area	1.14 acres (40%)	1.35 acres (47%)
Setbacks Front Side Rear	May be set by map with minimum of 6 feet between all structures	Minimum of 6 feet between all structures; Front, Side, Rear - Variable, minimum 5 feet
Height	45 feet	Approx. 35 feet
Parking	Commercial 106 spaces Residential 39 spaces Total (w/o reduction) 145 spaces Total (w/ reduction) 115 spaces	Total 115 spaces
Landscaping	Landscaping Plan required	Preliminary landscaping plan provided
Fencing/Screening	Fencing/Screening Plan required	Preliminary fencing/screening plan provided

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*Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

*Affordable Housing Fees*

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

*Design Standards*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

**PROJECT DESCRIPTION / SITE DESIGN:**

The proposed project is a Conditional Use Permit and Vesting Tentative Tract Map to subdivide an existing 2.85 acre parcel into seven commercial and residential parcels ranging in size from 0.07 to 1.05 acres. The proposal includes a total of twenty-two residential units in a mixed use development of twenty live-work units and two second-floor units above commercial/office space. The applicant has proposed 29,884 square feet of commercial space in four primary buildings along West Tefft Street as well as the twenty live-work units.

The project includes one 1.05 acre common parcel for an open space park area and all outdoor parking spaces. Parking is provided both in outdoor spaces (75 spaces) and some interior covered garages on individual residential units (45 spaces).

Development is proposed to take advantage of three street frontages, including West Tefft Street, Blume Street to the west, and a proposed local road to the south (labeled "Tanis Street" on the plan). The project includes several walkway paths, which provide paseo-like connections between the live-work units and commercial development.

Buildings are proposed along all street frontages, with parking areas to the rear and center. The architectural style of the project is an eclectic mix of modern Spanish styles (commercial buildings along W. Tefft St.), early European elements (commercial buildings along Blume St.), and rowhouse-type elements (live-work units along Blume St. and proposed local road to the south).

**PLANNING AREA STANDARDS:**

The project site is located within the Nipomo Urban Area. The applicant worked closely with staff to provide revisions to the original project to meet site planning and design objectives. The proposed development satisfies all applicable Planning Area Standards, density, intensity, and site planning criteria as outlined below. The project includes public right-of-way dedications and pedestrian pathways, and includes conditions addressing traffic noise. The project will also be connected to the NCSD sewer.

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<u>Planning Area Standard</u>	<u>Allowed/Required</u>	<u>Complies?</u>
Right-of-way dedication	For public streets, pathways, bicycles	Yes, dedications shown
Traffic noise mitigation	Mitigation based on location, layout, berms, structural measures	Yes, as conditioned
Sewer connection	Community sewer required	Yes, will connect to NCSD

#### OTHER ISSUES

##### West Tefft Corridor Design Plan

The West Tefft Corridor Design Plan has been drafted for public review and comment. The plan is proposed to be a part of the County General Plan and Land Use Ordinance, and is intended to guide the design and development of projects within the planning area. The proposed project generally meets the principles and standards of the draft design plan. Mixed-use buildings are located along the street frontages, with parking to the rear and center of the site. The project is pedestrian-friendly, with walkway connections as envisioned in the design plan. Streetscape features of wide sidewalks, landscaping, gathering spaces, and public art have been incorporated in the project as amenities.

COMMUNITY ADVISORY GROUP COMMENTS: Recommends support of the project as proposed.

##### AGENCY REVIEW:

Public Works – Recommend approval with conditions. Right-of-way for proposed local road may need to curve based on approval of adjacent property to the east.

Environmental Health - Applicant has provided preliminary evidence of water and sewer.

County Parks – Require payment of applicable Building Division fees.

CDF – See attached fire safety letter dated November 10, 2004.

Nipomo Community Services District – Applicant has obtained conditional will-serve letter.

APCD – Proposed infill development is consistent with Clean Air Plan. Includes recommendations for dust control, developmental burning, mixed-use incompatibilities, and operational mitigation measures.

##### LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

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## FINDINGS - EXHIBIT A

### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 7, 2005 for this project. Mitigation measures are proposed to address Air Quality, Geology and Soils, Noise, Public Services/Utilities, Recreation, Transportation/Circulation, and Water, and are included as conditions of approval.

### *Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Commercial Retail land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of mixed-use commercial and live-work residential units.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support mixed-use commercial and live-work units.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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**EXHIBIT B**

**CONDITIONS OF APPROVAL FOR TR 2690**

**Approved Project**

1. Request by West Tefft, LLC for a 1) mixed-use planned development including retail, office, and residential uses, and two on-site roads, and 2) subdivision of an existing 2.85-acre parcel into seven parcels ranging from .07 to 1.5 acres each, which will result in the disturbance of the entire 2.85-acre parcel. The proposed road names are Blume Street and Tanis Street.

**Access and Improvements**

2. Roads and/or streets to be constructed to the following standards:
  - a. Tanis Lane and Blume Street constructed to a 2/3 A-2 section within a 40 foot dedicated right-of-way.
  - b. Tefft Street widened to complete an A-2 section fronting the property.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
  - a. For road widening purposes 20 feet along Tefft Street, to be described as 50 feet from the recorded centerline.
  - b. A 20 foot radius property line return at the intersection of all streets.
4. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

**Improvement Plans**

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
  - a. Street plan and profile, including street trees in locations to be approved by County Public Works and Planning/Building
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Water plan (NCSD/County Health).
  - d. Sewer plan (NCSD/County Health).
  - e. Grading and erosion control plan for subdivision related improvement locations.
  - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

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6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

#### **Drainage**

8. Submit complete drainage calculations to the Department of Public Works for review and approval.
9. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
10. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
  - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
11. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

#### **Utilities**

12. Electric and telephone lines shall be installed underground.
13. Cable T.V. conduits shall be installed in the street.
14. Gas lines shall be installed.

#### **Design**

15. The lots shall be numbered in sequence.
16. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

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### **Fire Protection**

17. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

### **Parks and Recreation (Quimby) Fees**

18. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

### **Affordable Housing Fee**

19. **Prior to filing the final parcel or tract map**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

### **Water and Wastewater**

20. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.
21. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

### **Additional Map Sheet**

22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
  - a. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

### **Covenants, Conditions and Restrictions**

23. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:



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- a. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- b. **During construction, in the event naturally occurring asbestos, serpentine, or ultramafic rock is discovered**, the applicant must comply with California Air Resources Board asbestos measures, and report the discovery to the APCD no later than the next business day. The issued asbestos exemption for the project shall expire and cease to be effective.
- c. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
  - i. Reduce the amount of the disturbed area where possible.
  - ii. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
  - iii. All dirt stock-pile areas should be sprayed daily as needed.
  - iv. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
  - v. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
  - vi. To avoid incompatibilities with residential uses (complaints from odors and/or dust), no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may occur in buildings with residential units.
- d. **Prior to issuance of building permits**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
  - i. All EPA-Certified Phase II wood burning devices;
  - ii. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - iii. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - iv. Pellet-fueled woodheaters, and;
  - v. Dedicated gas-fired fireplaces.
- e. **Prior to approval of specific business uses**, the applicant shall obtain APCD permits if required. Potential uses subject to APCD permit approval include, but are not limited to: electrical generation plants or the use of standby generator, food and beverage preparation (primarily coffee roasters), furniture and fixture products, small scale manufacturing, and dry cleaning.
- f. **Prior to issuance of construction permits**, the applicant shall submit plans showing that the following noise mitigation features are included on proposed buildings A, B, and C (adjacent to West Tefft Street):

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- i. Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed.
  - ii. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
  - iii. Exterior doors are solid core with perimeter weather stripping and threshold seals.
  - iv. Exterior walls consist of stucco or brick veneer.
  - v. Glass in both windows and doors shall not exceed 20 percent of the floor area in a room facing West Tefft Street.
  - vi. Roof or attic vents facing the noise source shall be baffled.
  - vii. The interior sheetrock of exterior wall assemblies shall be attached to studs by resilient channels. Staggered studs or double walls are acceptable alternatives.
  - viii. Window assemblies shall have a laboratory-tested STC rating of 30 or greater.
- g. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- h. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

### Miscellaneous

24. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
25. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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**FINDINGS - EXHIBIT C**

**Conditional Use Permit**

**Environmental Determination**

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 7, 2005 for this project. Mitigation measures are proposed to address Air Quality, Geology and Soils, Noise, Public Services/Utilities, Recreation, Transportation/Circulation, and Water, and are included as conditions of approval.

**Conditional Use Permit**

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the commercial, office, and residential development does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because commercial, office, and residential development is similar, and will not conflict with, surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on W. Tefft St., Blume St., and an unnamed local road, which are roads constructed or conditioned to be constructed to a level able to handle any additional traffic associated with the project

**Residential in Commercial Retail or Office and Professional land use categories**

- G. The proposed use will not significantly reduce the community inventory of office / commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan, because the residential development is subordinate to the primary commercial and office use.
- H. The proposed use will not impede the continuing orderly development of community shopping areas with commercial and offices uses, because the proposed mixed use project will contribute to and enhance the community shopping and office opportunities of the community.

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**EXHIBIT D - CONDITIONS OF APPROVAL**

**Conditional Use Permit**

**Approved Development**

1. This approval authorizes
  - a. 1) mixed-use planned development including retail, office, and residential uses, and two on-site roads, and 2) subdivision of an existing 2.85-acre parcel into seven parcels ranging from .07 to 1.5 acres each, which will result in the disturbance of the entire 2.85-acre parcel.
  - b. maximum height is 45 from average natural grade.

**Conditions required to be completed at the time of application for construction permits**

**Site Development**

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan. The site and landscaping plans shall show the following revisions:
  - a. The five-foot wide landscaping strip shown on West Tefft Street shall be located between the street and sidewalk, and shall provide street trees in locations to be approved by County Public Works and Planning/Building.
  - b. Street trees shall be provided on Blume Street in tree grates within the sidewalk in locations to be approved by County Public Works and Planning/Building.
  - c. Street furniture shall be provided at intervals along West Tefft and Blume Streets.
  - d. Backflow preventors and other above-ground equipment shall be located so that they are hidden from street view.
  - e. A pedestrian connection shall be provided between the proposed interior park and the commercial buildings along West Tefft Street.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall incorporate the following into the project plans:
  - a. Provide on-site bicycle parking. One bicycle parking space for every 10 car parking spaces is considered appropriate.
  - b. Provide on-site eating, refrigeration, and food vending facilities to reduce employee lunchtime trips.
  - c. Provide preferential carpool and vanpool parking spaces.
  - d. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
  - e. Increase walls and attic insulation beyond Title 24 requirements.

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**Vector Control and Solid Waste**

5. **At the time of application for construction permits**, a determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

**Fire Safety**

6. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 10, 2004.

**Services**

7. **At the time of application for construction permits**, the applicant shall provide a letter from Nipomo Community Services District stating they are willing and able to service the property.

**Conditions to be completed prior to issuance of a construction permit**

**Fees**

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
9. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- Reduce the amount of the disturbed area where possible.
  - Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
  - All dirt stock-pile areas should be sprayed daily as needed.
  - All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
  - Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
  - To avoid incompatibilities with residential uses (complaints from odors and/or dust), no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may occur in buildings with residential units.
10. **Prior to issuance of construction permits, in the instance wood burning stoves are proposed**, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
- All EPA-Certified Phase II wood burning devices;
  - Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;

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- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - d. Pellet-fueled woodheaters, and;
  - e. Dedicated gas-fired fireplaces.
11. **Prior to issuance of construction permit**, at least three additional APCD mitigation recommendations shall be incorporated into the project. Potential mitigation addressing Site Design, Transportation Demand, and Energy Efficiency are listed in the attached letter (Jan Downs Vidalin, APCD; October 27, 2004).
12. **Prior to issuance of construction permits**, the applicant shall submit plans showing that the following noise mitigation features are included on proposed buildings A, B, and C (adjacent to West Tefft Street):
- a. Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed.
  - b. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
  - c. Exterior doors are solid core with perimeter weather stripping and threshold seals.
  - d. Exterior walls consist of stucco or brick veneer.
  - e. Glass in both windows and doors shall not exceed 20 percent of the floor area in a room facing West Tefft Street.
  - f. Roof or attic vents facing the noise source shall be baffled.
  - g. The interior sheetrock of exterior wall assemblies shall be attached to studs by resilient channels. Staggered studs or double walls are acceptable alternatives.
  - h. Window assemblies shall have a laboratory-tested STC rating of 30 or greater.
13. **Prior to issuance of construction permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

**Conditions to be completed during construction of the project**

14. **During construction**, in the event naturally occurring asbestos, serpentine, or ultramafic rock is discovered, the applicant must comply with California Air Resources Board asbestos measures, and report the discovery to the APCD no later than the next business day. The issued asbestos exemption for the project shall expire and cease to be effective.

**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

15. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

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16. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
17. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.
18. **Prior to approval of specific business uses**, the applicant shall obtain APCD permits if required. Potential uses subject to APCD permit approval include, but are not limited to: electrical generation plants or the use of standby generator, food and beverage preparation (primarily coffee roasters), furniture and fixture products, small scale manufacturing, and dry cleaning.

**On-going conditions of approval (valid for the life of the project)**

19. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
20. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

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STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.



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12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Brian Pedrotti  
and reviewed by Kami Griffin

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**COUNTY OF SAN LUIS OBISPO**  
**MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**

FOR OFFICIAL USE ONLY (BP)

**ENVIRONMENTAL DETERMINATION NO. ED04-322**

**DATE: DRAFT**

**PROJECT/ENTITLEMENT:** West Tefft, LLC; Tract Map and Conditional Use Permit SUB2004-00134,  
Tract 2690

**APPLICANT NAME:** West Tefft, LLC

**ADDRESS:** 1248 Grand Ave. Arroyo Grande, CA, 93420

**CONTACT PERSON:** Same as applicant

**Telephone:** 805-929-3311

**PROPOSED USES/INTENT:** Proposal to subdivide an existing 2.85-acre parcel into seven parcels ranging from .07 to 1.5 acres each for the purpose of a mixed-use development plan including retail, office, and residential uses. The division will create two on-site roads (Blume Street and Tanis Street). The proposed project will result in the disturbance of the entire 2.85-acre parcel.

**LOCATION:** On the south side of West Tefft Street (at 691 West Tefft Street), approximately 0.25 mile west of Highway 101, in the community of Nipomo, in the South County Inland planning area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
County Government Center, Rm. 310  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** Air Pollution Control District; State Water Resources Control Board

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....5 p.m. on**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

**Notice of Determination**

**State Clearinghouse No.** \_\_\_\_\_

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ Lead Agency  
☐ Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

**Signature**

**Project Manager Name**

**Date**

**Public Agency**

# Notice of Completion & Environmental Document Transmittal

UPS mailing: State Clearinghouse, 1400 Tenth St., Sacramento, CA 95814 (916)445-0613  
U.S. Postal mailing: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 SCH#

SCH#

**Project Title:** West Tefft LLC Tract Map and Conditional Use Permit ED 04-322

Lead Agency: County of San Luis Obispo  
Street Address: County Government Center, Rm 310  
City: San Luis Obispo Zip: 93408-2040

Contact Person: Brian Pedrotti  
Telephone: 805/781-5600  
County: San Luis Obispo

## Project Location

County: San Luis Obispo City/Nearest Community: community of Nipomo  
Cross Streets: Tefft and Blume Streets Zip Code: 93444 Total Acres: 2.85 acres  
Assessor's Parcel Number: 092-130-013 Section: NA Twp: NA Range: NA Base: NA  
Within 2 miles: State Hwy. #: 101 Waterways: NA Airports: NA  
Railways: NA Schools: Lucia Mar Unified School District.

## Document Type

CEQA: ☐ NOP ☐ Supplement/Subsequent ☐ NEPA: ☐ NOI ☐ Other: ☐ Joint Document  
☐ Early Cons EIR (Prior SCH No.) ☐ EA ☐ Final Document  
☒ Neg Dec ☐ Other ☐ Draft EIS ☐ Other  
☐ Draft EIR ☐ FONSI

## Local Action Type

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation  
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment  
☐ General Plan Element ☒ Planned Unit Development ☐ Use Permit ☐ Coastal Permit  
☐ Community Plan ☐ Site Plan ☒ Land Division (Subdivision, etc.) ☐ Other

## Development Type

☒ Residential: Units 22 Acres 2.85 ☐ Water Facilities Type: NA MGD: NA  
☒ Office: Sq.ft. 19,500 Acres NA Employees NA ☐ Transportation: Type: NA  
☒ Commercial: Sq.ft. 12,327 Acres NA Employees NA ☐ Mining: Mineral: NA  
☐ Industrial: Sq.ft. NA Acres NA Employees NA ☐ Power: Type: NA Watts: NA  
☐ Educational: NA ☐ Waste Treatment: Type: NA  
☐ Recreational: NA ☐ Hazardous Waste: Type: NA  
☐ Other: NA ☐ OCS-related: Type: NA

Funding (approx.): NA Federal \$ NA State \$ NA Total \$ NA

## Project Issues Discussed in Document

☐ Aesthetic/Visual ☐ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality  
☐ Agricultural Land ☐ Forest Land/Fire Hazard ☐ Septic Systems ☒ Water supply/groundwater  
☒ Air Quality ☒ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian  
☐ Archeological/Historical ☐ Minerals ☐ Soil erosion/compaction/grading ☐ Wildlife  
☐ Coastal Zone ☒ Noise ☐ Solid Waste ☐ Growth Inducing  
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Land Use  
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Cumulative Effects  
☐ Fiscal ☒ Recreation/Parks ☐ Vegetation ☐ Other

Present Land Use/Zoning/General Plan Designations: Commercial Retail /

**Project Description:** Request by West Tefft, LLC for a Tract Map and Conditional Use Permit to subdivide an existing 2.85-acre parcel into seven parcels ranging from .07 to 1.5 acres each for the purpose of a mixed-use development plan including retail, office, and residential uses. The division will create two on-site roads. The proposed road names are Blume Street and Tanis Street. The proposed project will result in the disturbance of the entire 2.85-acre parcel. The proposed project is within the Commercial Retail land use category and is located on the south side of West Tefft Street (at 691 West Tefft Street), in the community of Nipomo. The project site is in the South County Inland Nipomo planning area.

# Reviewing Agencies Checklist

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## KEY

S = Document sent by lead agency

X = Document sent by SCH

SD = Suggested distribution

### Resources Agency (CD)

Boating & Waterways

Coastal Commission

Coastal Conservancy

Colorado River Board

Conservation (CD)

Fish & Game

Forestry & Fire Protection

Office of Historic Preservation

Parks & Recreation (CD)

Reclamation Board

S.F. Bay Conservation & Development Commission

Water Resources (DWR)

### Business, Transportation & Housing

Aeronautics (CD)

California Highway Patrol

CALTRANS District #5 (CD)

Department of Transportation Planning(headquarters) (CD)

Housing & Community Development (CD)

Food & Agriculture (CD)

### Health & Welfare

Health Services

### State & Consumer Services

General Services

OLA (Schools) (CD)

### Environmental Protection Agency

Air Resources Board (CD)

California Waste Management Board

SWRCB: Clean Water Grants

SWRCB: Delta Unit

SD SWRCB: Water Quality

SWRCB: Water Rights

SD Regional WQCB# (Central Coast Region)

### Youth & Adult Corrections

Corrections

### Independent Commissions & Offices

Energy Commission

Native American Heritage Commission

### Public Utilities Commission

Santa Monica Mountains Conservancy

State Lands Commission

Tahoe Regional Planning Agency

OTHER

### Public Review Period (to be filled in by lead agency)

Starting Date

Ending Date

Signature

Date

Lead Agency (Complete if applicable): County of San Luis Obispo

Consulting Firm:

Firm's Address:

City/State/Zip:

Contact:

Phone:

Applicant:

Address:

City/State/Zip:

Phone:

### For SCH Use Only:

Date Received at SCH

Date Review Starts

Date to Agencies

Date to SCH

Clearance Date

Notes:

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**CALIFORNIA DEPARTMENT OF FISH AND GAME  
CERTIFICATE OF FEE EXEMPTION**

De Minimis Impact Finding

**PROJECT TITLE & NUMBER:** West Tefft, LLC Tract Map and CUP; SUB2004-00134 ED04-322

**Project Applicant**

Name: West Tefft, LLC  
Address: 1248 Grand Avenue  
City, State, Zip Code: Arroyo Grande, CA, 93420  
Telephone #: 805-929-3311

**PROJECT DESCRIPTION/LOCATION:** See attached Notice of Determination

**FINDINGS OF EXEMPTION:**

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- (X) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- ( ) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. \_\_\_\_\_
- ( ) Other: \_\_\_\_\_

**CERTIFICATION:**

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

\_\_\_\_\_  
Ellen Carroll, Environmental Coordinator  
County of San Luis Obispo

Date: \_\_\_\_\_

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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** West Tefft, LLC Tract Map and Conditional Use Permit; SUB2004-00134 TR 2690 ED04-322

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics             | <input checked="" type="checkbox"/> Geology and Soils         | <input checked="" type="checkbox"/> Recreation                 |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials          | <input checked="" type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise                     | <input type="checkbox"/> Wastewater                            |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Population/Housing                   | <input checked="" type="checkbox"/> Water                      |
| <input type="checkbox"/> Cultural Resources     | <input checked="" type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Land Use                              |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

MORRO GROUP, INC.  
Prepared by (Print)

[Signature]  
Signature

04/13/05  
Date

Stacy McMasters  
Reviewed by (Print)

[Signature]  
Signature

Ellen Carroll,  
Environmental Coordinator  
5/12/05  
(for) Date

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**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Request by West Tefft, LLC for a Tract Map and Conditional Use Permit to subdivide an existing 2.85-acre parcel into seven parcels ranging from .07 to 1.5 acres each for the purpose of a mixed-use development plan including retail, office, and residential uses. The division will create two on-site roads. The proposed road names are Blume Street and Tanis Street. The proposed project will result in the disturbance of the entire 2.85-acre parcel. The proposed project is within the Commercial Retail land use category and is located on the south side of West Tefft Street (at 691 West Tefft Street), in the community of Nipomo. The project site is in the South County Inland, Nipomo planning area.

**ASSESSOR PARCEL NUMBER(S):** 092-130-013

**SUPERVISORIAL DISTRICT #** 4

**B. EXISTING SETTING**

**PLANNING AREA:** South County (Inland), Nipomo

**LAND USE CATEGORY:** Commercial Retail

**COMBINING DESIGNATION(S):** None

**EXISTING USES:** Undeveloped

**TOPOGRAPHY:** Nearly level

**VEGETATION:** Grasses

**PARCEL SIZE:** 2.85 acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Commercial Retail/ W. Tefft Street, commercial uses, undeveloped	<i>East:</i> Commercial Retail/ commercial services
<i>South:</i> Residential Multi-family/ residences	<i>West:</i> Commercial Retail/ single family residence, undeveloped

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### C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

### COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project site is located on the southern side of West Tefft Street (at 691 West Tefft Street), approximately 1,700 feet west of Highway 101, in the community of Nipomo. The project site is located adjacent to commercial development to the north and east, and residential development to the south and west. The proposed project consists of subdividing the 2.85-acre site into seven mixed-use lots, with the following uses:

Lot #	Acres	Proposed Use
Dedicated	.61	Blume Street, Tanis Street and West Tefft Street sidewalk improvements
1	1.05	Park, Parking (77 uncovered spaces), and access improvements
2	.70	Buildings F- three-story residential triplex (3); Building G- two-story residential triplex (2); and Buildings H- three-story commercial/residential duplex (4)
3	.08	Building E- two-story commercial/residential building (1)
4	.07	Building D- two-story commercial/office building (1)
5	.10	Building C- two-story commercial/office building (1)
6	.11	Building B- two-story commercial/office building (1)
7	.13	Building A- two-story commercial/office building (1)

Proposed improvements include: four two-story commercial buildings with first floor retail space and second floor office space (Building A through Building D); one two-story building with first floor retail space and two second floor residential units (Building E); three three-story residential duplex buildings with potential first floor office space (Buildings F); two two-story residential triplex buildings with potential first floor office space (Buildings G); four three-story buildings with first floor office space and two-story residential duplex units above (Buildings H); and, approximately 21,000 square feet of landscaping and park improvements, 113 parking spaces (77 open, 38 covered), two roads, and an underground water infiltration basin resulting in approximately 2.85 acres and 12,000 cubic yards of site disturbance (refer to Figures 1 through 8). The project site is undeveloped, with vegetation



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consisting of non-native grasses and a single pine tree, which would be removed prior to construction. The surrounding area is characterized by commercial uses, single-family residences, and undeveloped areas. The area's topography consists of flat to gently sloping developed areas and gently sloping undeveloped grassland with areas of mature eucalyptus trees.

The proposed buildings would be approximately 30 to 37 feet in height with the majority consisting of varied natural colored stucco building material, muted accent colors, and tile roofing. Muted red stucco with green accent is proposed for Building C (corner of West Tefft Street and Blume Street). The commercial buildings fronting West Tefft Street and Blume Street include a rock or brick veneer. The proposed mixed-use development would be visible from West Tefft Street, a two lane arterial road used primarily by local residents, business patrons, employees, and visitors to the area. The proposed project would extend the existing commercial development further west while the proposed residential uses on second floors and rear buildings would be located adjacent to existing residential development. The proposed two-story retail and office buildings on West Tefft and Blume Streets include varied architectural elements, detailed facades, and ornate signage that would enhance the existing character of the commercial environment. Residential uses are restricted to rear lot locations and upper floors not fronting West Tefft Street.

Based on the location and design of the proposed project, no significant visual impacts are expected to occur.

**Mitigation/Conclusion.** Based on the above discussion, no impacts to visual resources are anticipated and no mitigation measures are necessary.

## 2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project site is located in the Commercial Retail land use category. The soil type and class for "non-irrigated" and "irrigated" soil, as described in the Natural Resource Conservation Service (NRCS) Soil Survey, is Oceano sand (non-irr: IV, irr: IV). Surrounding land uses include commercial and residential development. No agricultural uses are present on the project site or surrounding area.

**Mitigation/Conclusion.** No agricultural incompatibility impacts would occur; therefore no mitigation measures are required.

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### 3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other: <u>Dust</u></i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located within the South Central Coast Air Basin and is nearest to the Nipomo Ralcoa Way Air Quality Monitoring Station. Based on the latest air monitoring station information, the trend in air quality in the general area is improving.

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM<sub>10</sub>) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

The proposed project site is located adjacent to existing commercial development along West Tefft Street, and is located immediately west of the central business district of the Nipomo Village. The project site is bordered by residential development to the south. Residential areas are sensitive to air pollution, including both construction and operational emissions. Approximately 2.85 acres of site disturbance would occur during grading activities for the construction of the proposed mixed-use buildings, access roads, drainage improvements, and utility installation. The project site is located in the South County Air Quality Mitigation (SCAQM) fee area. New residences will be subject to the SCAQM fee, which is intended to partially mitigate the cumulative effects of new residential development within the South County planning area. This program funds several strategies within the South County to improve air quality and reducing single-occupant vehicles, by: attracting transit ridership through regional bus stop improvements, encouraging carpooling through park-and-ride lot improvements and ridesharing advertising, promoting the use of bicycles through bike lane installation, reducing dust through limited road paving of several unpaved roads, and by providing electronic information/services locally to reduce vehicle trip lengths.

**Impact.** The proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both the construction and operational phases of the proposed project. APCD commended the project for proximity to commercial and transit services and multi-storied buildings creating a higher density land

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use. APCD additionally determined that the implementation of the proposed project could result in potentially significant air quality impacts (Jan Downs Vidalin; October 27, 2004). Air quality impacts during construction include the release of fugitive dust (PM<sub>10</sub>), the potential release of naturally occurring asbestos, and un-permitted developmental burning. Potential operational impacts include mixed-use incompatibilities, residential wood combustion devices, and exceedance of APCD thresholds of significance.

Naturally-Occurring Asbestos. The project site is located in an area potentially naturally occurring asbestos, serpentine or ultramafic rock. Asbestos is considered a toxic air contaminant by the State Air Resources Board. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact. APCD approved a request for exemption from asbestos regulations based on review of the geological evaluation prepared for the proposed project (Tim Fuhs; December 16, 2004).

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Fugitive Dust (PM<sub>10</sub>). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and businesses in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

Mixed Use Incompatibility. The proposed project includes mixed-use buildings with residential units sharing building space with potentially incompatible commercial operations due to odors and/or dust.

Operational Phase Emissions. APCD determined that the proposed residential and commercial development would likely exceed the Tier I significance thresholds of 10 lbs/day for NOX and ROG.

Wood Combustion. Only APCD-approved wood burning devices may be installed in new residential dwelling units.

#### **Mitigation/Conclusion.**

Asbestos. In the event asbestos, serpentine, or ultramafic rock is discovered during construction, all asbestos regulations shall apply, the APCD shall be notified, and the approved exemption shall immediately expire.

Developmental Burning. To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Fugitive Dust (PM<sub>10</sub>). To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Mixed Use Incompatibility. To avoid potential nuisance problems from odors and/or dust from incompatible commercial uses (nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing) within close proximity to residential units, the applicant has agreed to restrict

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these uses to non-residential buildings.

Operational Phase Emissions. To mitigate for the anticipated generation of NOX and ROG exceeding APCD thresholds, the applicant shall incorporate APCD mitigation into the project including bicycle parking, on-site eating, preferential carpool and vanpool parking, shower and locker facilities, and an increase in wall and attic insulation beyond Title 24 requirements. In addition, at least three additional mitigation measures, including improvements to site design, energy efficiency, and/or transportation design management are required (refer to APCD Referral; October 27, 2004) for mitigation options.

Wood Combustion. The applicant has agreed to install only APCD approved wood burning devices in proposed new dwelling units.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

4. BIOLOGICAL RESOURCES - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project site is an undeveloped parcel adjacent to commercial and residential development. Vegetation on the project site consists of non-native grasses and one pine tree. The California Natural Diversity Database (2005) does not document any sensitive species located on the project site. Although within a vernal pool region, the project site is nearly level, devoid of depressions or varied vegetation, and no vernal pools were observed onsite.

The project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species and no significant biological impacts are expected to occur.

**Mitigation/Conclusion.** Based on the above discussion and absence of sensitive species or habitats, no impacts to biological resources are anticipated and no mitigation measures are necessary.

5. CULTURAL RESOURCES - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**5. CULTURAL RESOURCES -**  
*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project site is located in an area historically occupied by the Obispeno Chumash. The applicant submitted a *Cultural Resources Survey and Impact Assessment* (C.A. Singer and Associates, Inc.; June 7, 2004) report including the results of a regional records search and field survey of the project site. Both prehistoric and historic cultural resources are known to exist in the Nipomo area. No archeological resources were identified during the surface survey and no further investigation is required. No historic structures are present and no paleontological resources are known to exist in the area.

**Mitigation/Conclusion.** Based on the lack of findings on the project site, it is unlikely that cultural resources are present. In the event cultural resources are discovered during construction, all work in the area shall cease and the contractor shall contact the appropriate authorities, as required by Section 22.10.040 of the County Land Use Ordinance. No additional mitigation measures are necessary.

**6. GEOLOGY AND SOILS -**  
*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist-Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## 6. GEOLOGY AND SOILS -

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Setting.

**Geology.** The topography of the project site is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide and liquefaction potentials are low. No active faulting is known to exist on or near the project site. The project is within a known area containing serpentine or ultramafic rock or soils. Geological data prepared for the project was reviewed by the APCD and it was determined the site did not contain potential asbestos-releasing soils (refer to Section 3, Air Quality). A *Soils Engineering Report* conducted for the project by Earth Systems Pacific (June 17, 2004) included several standard recommendations for site preparation and construction. There is no evidence that measures above what would already be required by ordinance or code are necessary.

**Drainage.** The area proposed for development is outside the 100-year Flood Hazard designation. The closest source of surface water from the proposed development is Nipomo Creek, located approximately 0.5 mile to the east. As described in the NRCS Soil Survey, the soil is considered well drained. The proposed drainage system would consist of an underground infiltration basin located below the proposed park in the center of the site, as well as landscaped areas to retain additional runoff. Cannon Associates prepared drainage calculations to identify the required capacity of the proposed infiltration basin to ensure that off-site drainage would not exceed historic flows (691 Tefft St., Nipomo, CA. *Drainage Calculation*; June 24, 2004). There is no evidence that measures above what would already be required by ordinance or code are needed.

**Sedimentation and Erosion.** The soil type mapped for the project site is Oceano sand (0-9% slope). As described in the NRCS Soil Survey, the soil has a high erodibility and low shrink swell characteristics. Two roads, fourteen mixed-use buildings, curb, gutter and sidewalk improvements, a park, and onsite parking are proposed. Proposed Blume Street would provide access to the project site from West Tefft Street along the western property line, and intersect with proposed Tanis Street located along the southern property line, parallel to West Tefft Street. Proposed retaining walls would range in height from 0.5 to 5.0 feet and are proposed along Blume Street and Tanis Street, south of the easternmost Building F, and adjacent to Building C and Building D. Implementation of the proposed project would result in the disturbance of 2.85 acres.

The Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The California State Water Resources Control Board (SWRCB) has adopted a National Pollution Discharge Elimination System (NPDES) Storm Water General Permit, which requires the implementation of a Storm Water Pollution Prevention Plan (SWPPP) for discharges regulated under the SWRCB program. Currently, construction sites of one acre and greater may need to prepare and implement a SWPPP that focuses on controlling storm water runoff. Municipal and industrial sources are also regulated under separate

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NPDES general permits. The Regional Water Quality Control Board is the local extension of the SWRCB, who currently monitors these SWPPPs.

**Impact.** Grading for and construction of fourteen mixed-use buildings, roadways, associated paving, landscaping and drainage improvements would create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Total grading activities and site disturbance would be approximately 2.85 acres for the proposed project, and would be subject to the NPDES program.

**Mitigation/Conclusion.** Pursuant to Clean Water Act regulations, the applicant is required to prepare and implement a SWPPP during construction to minimize off-site sedimentation and erosion impacts. Based on the above discussion and implementation of a SWPPP, geology and soils impacts would be mitigated to insignificance and no further measures are required.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project is not located in an area of known hazardous material contamination. The project is within a moderate severity risk area for fire. The proposed project is located within the State Responsibility Area for wildland fires and was referred to the California Department of Forestry (CDF)/County Fire Department. No significant fire safety concerns were identified (Chad T. Zrelak; November 10, 2004). The project is not within the Airport Review area.

The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** Pursuant to State Fire Code, standard fire safety measures would be required for future development, such as adequate water supply connection, access road and driveway standards, and fuel modification. Implementation of standard requirements would minimize potential fire risk to less than significant and no additional mitigation measures are necessary.

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**8. NOISE - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.**

Noise Exposure. The proposed project site is located approximately 1,000 feet west of Highway 101 and immediately south of West Tefft Street. These roads are the primary source of noise in the area. According to the *County Noise Element*, the northern half of the project site is located within the 65 Ldn noise level contour and the southern half is within the 60 Ldn noise level contour (County of San Luis Obispo; May 1992). Proposed noise sensitive components include residential uses and offices.

Noise Generation. Implementation of the proposed project would potentially result in the generation of traffic trips, which would contribute to the cumulative generation of transportation-related noise. The proposed project site is located in the midst of a major highway, expanding commercial development and residential development; therefore, generation of these trips would not result in a significant level of transportation-related noise.

**Impact.** The *County Noise Element* states that the maximum acceptable exterior noise level for both residential development and offices is 60 dB Ldn and that the maximum acceptable interior noise level is 45 dB. The proposed project site is located within the 65dB to 60dB Ldn noise contours for West Tefft Street. Proposed buildings A, B, and C would be located adjacent to West Tefft Street, and would house commercial businesses and offices. The proposed residential uses would be located in the rear half of the project site. An outdoor park area would be located in the center of the parcel, surrounded by proposed structures. Based on the location of the outdoor use area, the proposed buildings along West Tefft Street would absorb traffic-generated noise, and no additional mitigation is necessary to reduce outdoor noise levels. Indoor noise levels experienced in buildings A, B, and C may exceed the threshold of 45 dB allowed by the *County Noise Element*.

**Mitigation/Conclusion.** The applicant has agreed to incorporate the use of noise reduction features on buildings A, B, and C to reduce the level of interior noise caused by traffic on West Tefft Street. Buildings constructed with air conditioning or a mechanical ventilation system, windows and sliding glass doors mounted in low air infiltration rate frames, and solid core exterior doors with perimeter weather stripping and threshold seals, baffled roof and attic vents, and additional construction specifications would mitigate potential indoor noise impacts to a level of insignificance (County of San Luis Obispo; May 1992). Based on the above discussion and implementation of mitigation measures listed in Exhibit B, potentially significant noise impacts would be reduced to a level of insignificance.

**9. POPULATION/HOUSING - Will the project:**

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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**9. POPULATION/HOUSING -**  
*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

The County has recently adopted a revised Housing Element. One of the new Housing Element Programs (Program HE 1.9) indicates that the County will prepare an Inclusionary Housing Ordinance during 2005. Upon adoption of the ordinance, future commercial development may be required to pay a fee to support development of new affordable housing. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** The proposed project does not include specifically identified affordable housing. Prior to map recordation, the applicant is required to pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project. No significant population and housing impacts are anticipated, and no additional mitigation measures are necessary.

**10. PUBLIC SERVICES/UTILITIES -**  
*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**10. PUBLIC SERVICES/UTILITIES -**  
*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo CDF Station 20) is located approximately one mile to the east. The closest Sheriff substation is in Oceano, which is approximately ten miles from the proposed project. The project is located in the Lucia Mar Unified School District. The project direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

**11. RECREATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The County Trails Plan does not show a future trail on the proposed project site. The proposed project was referred to the County Department of General Services Parks Division for review. The Parks Division did not identify any project-specific potentially significant impacts. Implementation of the proposed mixed-use development and occupation of 22 residential units would contribute to the cumulative demand for recreational resources in San Luis Obispo County.

**Mitigation/Conclusion.** In order to offset the cumulative demand for recreational resources, the applicant would be required to pay Quimby and Building Division fees unless the applicant provides County Parks with adequate information for either a Quimby Credit or Public Facility Fee credit (Jan DiLeo; November 23, 2004). No additional mitigation measures are necessary.

**12. TRANSPORTATION/ CIRCULATION - Will the project:**

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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**12. TRANSPORTATION/  
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project site is accessed from West Tefft Street, and is located west of the Highway 101 and Tefft Street interchange. West Tefft Street is an arterial that extends from Orchard Road to the west, crosses through the Highway 101 interchange, and continues east past the Nipomo URL limits. The applicant proposes to construct Blume Street, which would intersect with West Tefft Street near the southwest corner of the project site, and Tanis Lane, which would extend along the southern boundary of the project site. Access driveways for the proposed development would be located on West Tefft Street, Blume Street, and Tanis Lane.

**Impact.** The proposed project was referred to the County Public Works Department for review. The Public Works Department is currently consulting with the California Department of Transportation (Caltrans) regarding future improvements to the Highway 101 and Tefft Street interchange. Based on traffic calculations and analysis completed by the Public Works Department, the Level of Service at the Highway 101 and Tefft Street interchange is LOS D (Richard Marshall; April 8, 2005). All existing roadways and intersections affected by the proposed project are currently operating at acceptable levels of service for urban roadways. The Public Works Department reviewed the proposed development, and determined that no project-specific traffic impacts would occur.

The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would

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decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange.

**Mitigation/Conclusion.** The proposed project is located within the Area 1 of the South County Fee Area. Prior to issuance of permits for future land uses on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development. Implementation of this measure would mitigate potential impacts to less than significant, and no additional mitigation measures are required.

13. WASTEWATER - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project's waste disposal needs would be served by the Nipomo Community Services District (NCSD). The Department of Environmental Health has received a "preliminary will serve" letter from the NCSD, which has indicated it has adequate resources to serve the project (Laurie Salo; October 28, 2004). The NCSD operates two sewage treatment plants, the Southland Wastewater Works and the Black Lake Wastewater Works. The Southland facility serves the main community, including the proposed project site. Based on the County *Annual Resource Summary Report* (2003), the Southland facility was at 42.3 percent capacity in 2003, based on a served population of 5,905. The facility would reach capacity at a population of 13,959. Implementation of the proposed project would not significantly affect the capacity of the facility.

**Mitigation/Conclusion.** The NCSD issued a preliminary intent-to-serve letter for sewer services. A final will-serve letter from the District would be required prior to recordation of the final map. No additional measures are necessary.

14. WATER - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**14. WATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.**

Surface Water. The proposed project site is not located near any sources of surface water. The topography of the site is nearly level to gently sloping. Standard drainage and erosion control measures and preparation of a SWPPP (refer to Section 6) would be required for the proposed project and would provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

Water Usage. The project proposes to use the NCSD as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project (Laurie A. Salo; October 28, 2004). The NCSD pumps water from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria).

Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). The study warns that seawater intrusion could result from this existing pumping depression if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the absence of current evidence of seawater intrusion, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

On November 2, 2004, the Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 2.3% growth limit, as depicted in the Growth Management Ordinance.

Effective immediately, the County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the

Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water. Also effective immediately, building permits must include the full range of water conservation measures, including: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems; low water-use landscape; limited landscape areas; limited turf areas; low water-use plant materials; soil moisture sensors; drip irrigation systems; and separate meters for outdoor water use.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 2.3% growth limit. Low water-use landscapes will now be required for all developer-installed landscapes on parcels of 5 acres or less in any land use category. In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations will be recommended.

**Mitigation/Conclusion.** To conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240) in addition to the measures described above. The ordinance requires the following water-conserving fixtures for domestic use: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use re-circulating systems; and water supply piping shall be installed so each dwelling unit may be served by a separate water meter. Based on implementation of required water conservation measures, water impacts would be reduced to insignificance and no further measures are necessary.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, South County Inland Area Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be

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consistent with these documents (refer also to Exhibit A on reference documents used). The project site is not within or adjacent to a Habitat Conservation Plan area. The proposed project is consistent with existing land uses because it is a mixed-use project. Proposed commercial components would be located adjacent to existing commercial development and residential components adjacent to existing residential development.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

- | <b>16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:</b>  | <b>Potentially Significant</b> | <b>Impact can &amp; will be mitigated</b> | <b>Insignificant Impact</b>         | <b>Not Applicable</b>    |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i> | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

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# **Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input checked="" type="checkbox"/>	County Parks	Attached
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Nipomo Community Services District	None
<input checked="" type="checkbox"/>	Other <u>Pacific Bell</u>	In File**
<input checked="" type="checkbox"/>	Other <u>Leonard Mansell</u>	In File**

\*\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> South County (Inland) Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	



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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Cannon Associates. June 24, 2001. *691 Tefft St., Nipomo, CA Drainage Calculation.*

C.A. Singer and Associates, Inc. June 7, 2004. *Cultural Resources Survey and Impact Assessment.*

Earth Systems Pacific. June 17, 2004. *Soils Engineering Report.*

**Exhibit B - Mitigation Summary Table****Air Quality**

- AQ-1 During construction, in the event naturally occurring asbestos, serpentine, or ultramafic rock is discovered,** the applicant must comply with California Air Resources Board asbestos measures, and report the discovery to the APCD no later than the next business day. The issued asbestos exemption for the project shall expire and cease to be effective.
- AQ-2 Prior to issuance of construction permits,** the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- a. Reduce the amount of the disturbed area where possible.
  - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
  - c. All dirt stock-pile areas should be sprayed daily as needed.
  - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
  - e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- AQ-3 To avoid incompatibilities with residential uses (complaints from odors and/or dust),** no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may occur in buildings with residential units.
- AQ-4 Prior to issuance of building permits, in the instance wood burning stoves are proposed,** the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
- a. All EPA-Certified Phase II wood burning devices;
  - b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - d. Pellet-fueled woodheaters, and;
  - f. Dedicated gas-fired fireplaces.
- AQ-5 Prior to issuance of use permit,** the following measures shall be incorporated into the project:
- a. Provide on-site bicycle parking. One bicycle parking space for every 10 car parking spaces is considered appropriate.
  - b. Provide on-site eating, refrigeration, and food vending facilities to reduce employee lunchtime trips.
  - c. Provide preferential carpool and vanpool parking spaces.
  - d. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
  - e. Increase walls and attic insulation beyond Title 24 requirements.

**AQ-6 Prior to issuance of use permit**, at least three additional APCD mitigation recommendations shall be incorporated into the project. Potential mitigation addressing Site Design, Transportation Demand, and Energy Efficiency are listed in the attached letter (Jan Downs Vidalin, APCD; October 27, 2004).

**AQ-7 Prior to approval of specific business uses**, the applicant shall obtain APCD permits if required. Potential uses subject to APCD permit approval include, but are not limited to: electrical generation plants or the use of standby generator, food and beverage preparation (primarily coffee roasters), furniture and fixture products, small scale manufacturing, and dry cleaning.

### Noise

**N-1 Prior to issuance of construction permits**, the applicant shall submit plans showing that the following noise mitigation features are included on proposed buildings A, B, and C (adjacent to West Tefft Street):

- a. Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed.
- b. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
- c. Exterior doors are solid core with perimeter weather stripping and threshold seals.
- d. Exterior walls consist of stucco or brick veneer.
- e. Glass in both windows and doors shall not exceed 20 percent of the floor area in a room facing West Tefft Street.
- f. Roof or attic vents facing the noise source shall be baffled.
- g. The interior sheetrock of exterior wall assemblies shall be attached to studs by resilient channels. Staggered studs or double walls are acceptable alternatives.
- h. Window assemblies shall have a laboratory-tested STC rating of 30 or greater.

### Recreation

**R-1 Prior to recordation of final map**, the applicant shall pay all applicable Quimby and Building Division Fees.

### Wastewater

**WW-1 Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

### Water

**W-1 Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

**W-2 Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot

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water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

**W-3** **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

**DEVELOPER'S STATEMENT FOR THE  
WEST TEFFT, LLC TRACT MAP AND CONDITIONAL USE PERMIT  
SUB2004-00134 TRACT 2690**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**AIR QUALITY**

- AQ-1** During construction, in the event naturally occurring asbestos, serpentine, or ultramafic rock is discovered, the applicant must comply with California Air Resources Board asbestos measures, and report the discovery to the APCD no later than the next business day. The issued asbestos exemption for the project shall expire and cease to be effective.

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

- AQ-2** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible.
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- c. All dirt stock-pile areas should be sprayed daily as needed.
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

- AQ-3** To avoid incompatibilities with residential uses (complaints from odors and/or dust), no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may occur in buildings with residential units.

**Monitoring:** The Planning and Building Department shall verify compliance.

**AQ-4 Prior to issuance of building permits,** in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. All EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled woodheaters, and;
- f. Dedicated gas-fired fireplaces.

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

**AQ-5 Prior to issuance of use permit,** the following measures shall be incorporated into the project:

- a. Provide on-site bicycle parking. One bicycle parking space for every 10 car parking spaces is considered appropriate.
- b. Provide on-site eating, refrigeration, and food vending facilities to reduce employee lunchtime trips.
- c. Provide preferential carpool and vanpool parking spaces.
- d. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
- e. Increase walls and attic insulation beyond Title 24 requirements.

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

**AQ-6 Prior to issuance of use permit,** at least three additional APCD mitigation recommendations shall be incorporated into the project. Potential mitigation addressing Site Design, Transportation Demand, and Energy Efficiency are listed in the attached letter (Jan Downs Vidalin, APCD; October 27, 2004).

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

**AQ-7 Prior to approval of specific business uses,** the applicant shall obtain APCD permits if required. Potential uses subject to APCD permit approval include, but are not limited to: electrical generation plants or the use of standby generator, food and beverage preparation (primarily coffee roasters), furniture and fixture products, small scale manufacturing, and dry cleaning.

**Monitoring:** The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

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**NOISE**

**N-1** Prior to issuance of construction permits, the applicant shall submit plans showing that the following noise mitigation features are included on proposed buildings A, B, and C (adjacent to West Tefft Street):

- a. Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed.
- b. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
- c. Exterior doors are solid core with perimeter weather stripping and threshold seals.
- d. Exterior walls consist of stucco or brick veneer.
- e. Glass in both windows and doors shall not exceed 20 percent of the floor area in a room facing West Tefft Street.
- f. Roof or attic vents facing the noise source shall be baffled.
- g. The interior sheetrock of exterior wall assemblies shall be attached to studs by resilient channels. Staggered studs or double walls are acceptable alternatives.
- h. Window assemblies shall have a laboratory-tested STC rating of 30 or greater.

**Monitoring:** The Planning and Building Department shall verify required elements on plans, and implementation in the field.

**RECREATION**

**R-1** Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

**Monitoring:** The Planning and Building Department shall verify compliance.

**WASTEWATER**

**WW-1** Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

**Monitoring:** The Planning and Building Department shall verify compliance.

**WATER**

**W-1** Prior to issuance of building permits, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

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**Monitoring:** The Planning and Building Department shall verify required elements on plans, and implementation in the field.

- W-2 Prior to final inspection,** for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 1/2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

**Monitoring:** The Planning and Building Department shall verify required elements on plans, and implementation in the field.

- W-3 Prior to recordation of the final map,** the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

**Monitoring:** The Planning and Building Department shall verify compliance.

*The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.*

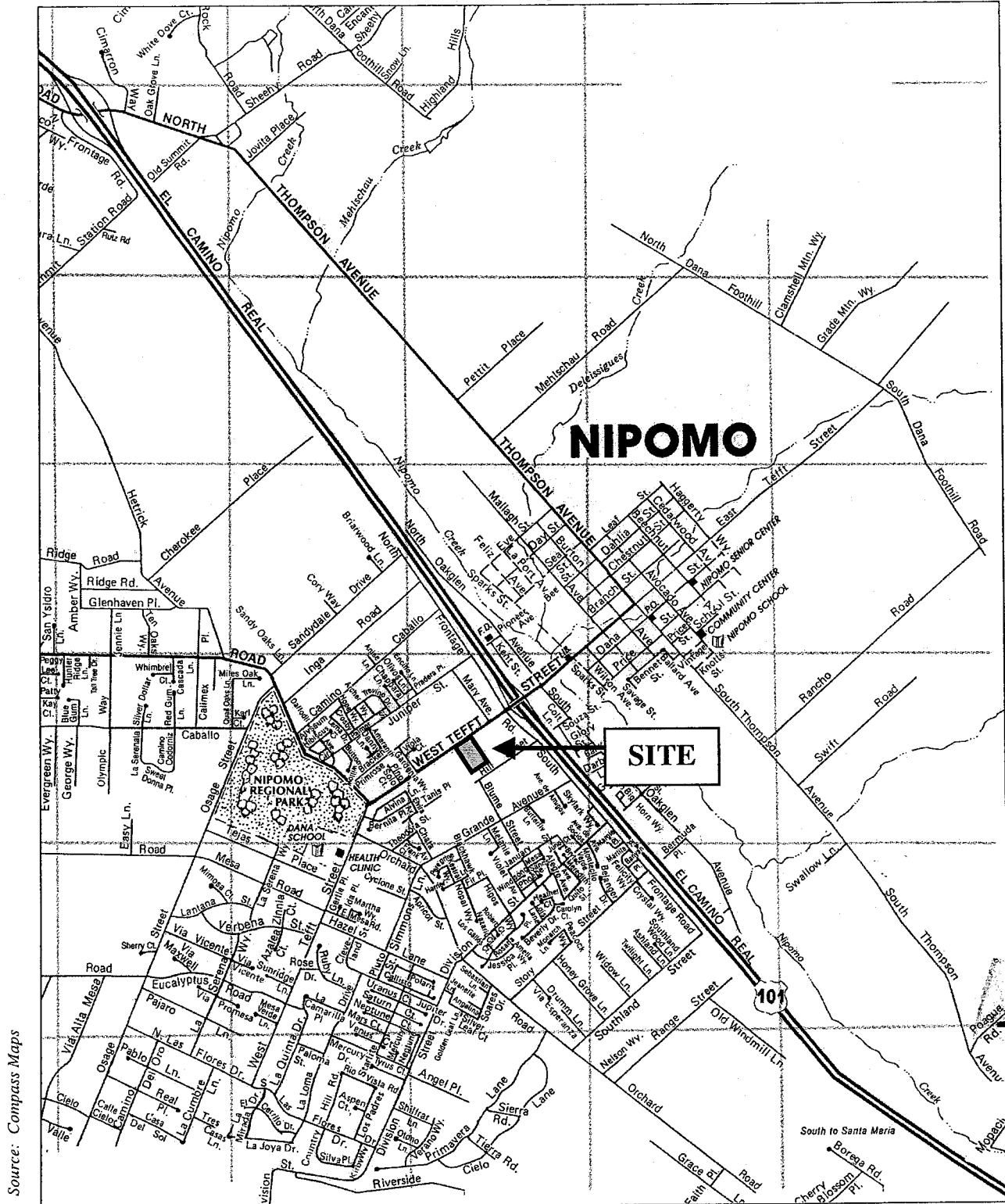
Terrence B. Flatley  
Signature of Owner(s)

5-9-05  
Date

Terrence B. FLATLEY  
Name (Print)

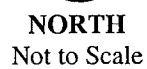
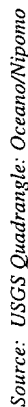


4-49



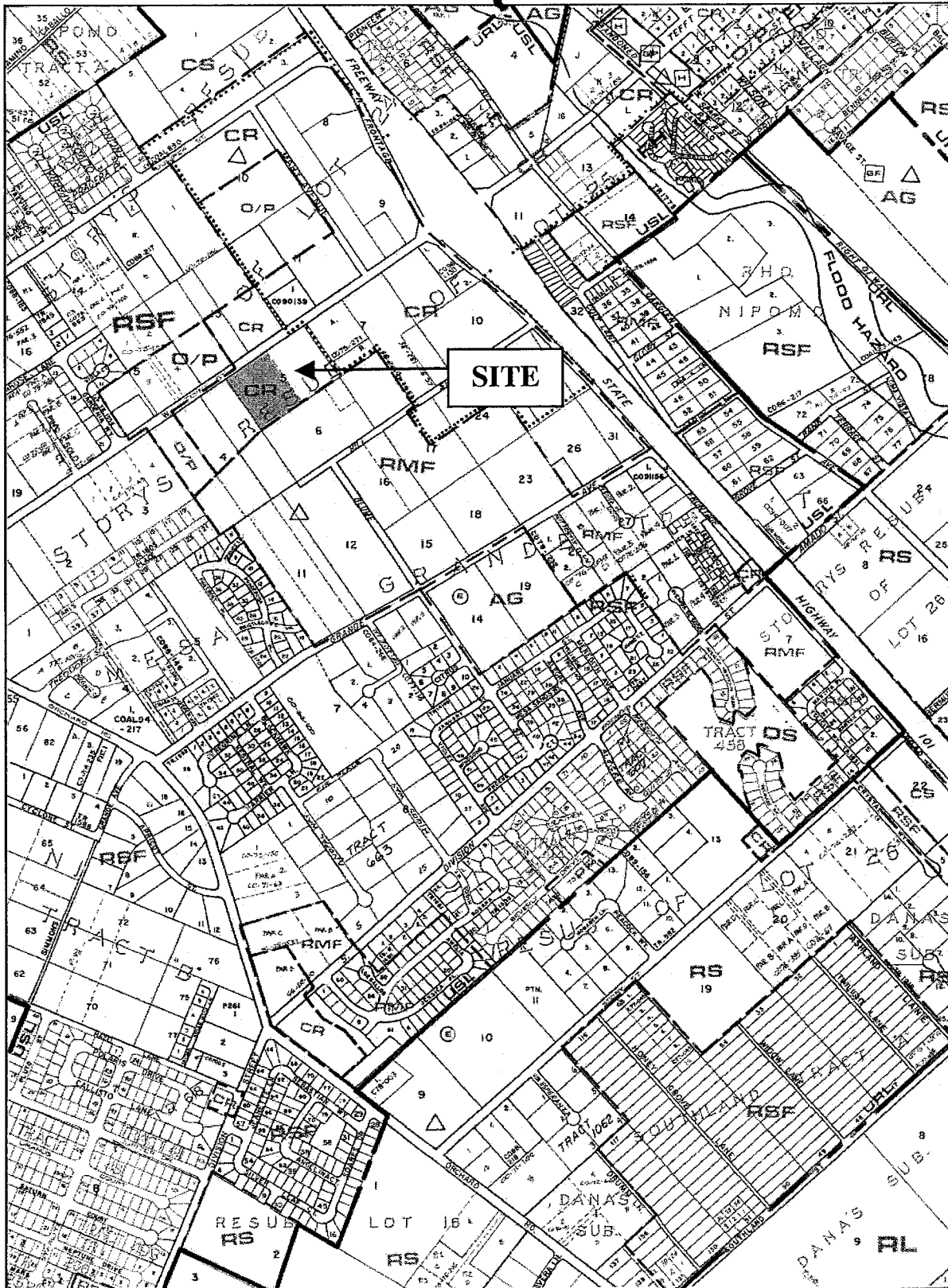
**NORTH**  
Not to Scale

**VICINITY MAP  
FIGURE 1**



*Morro Group, Inc.*

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Source: County of San Luis Obispo

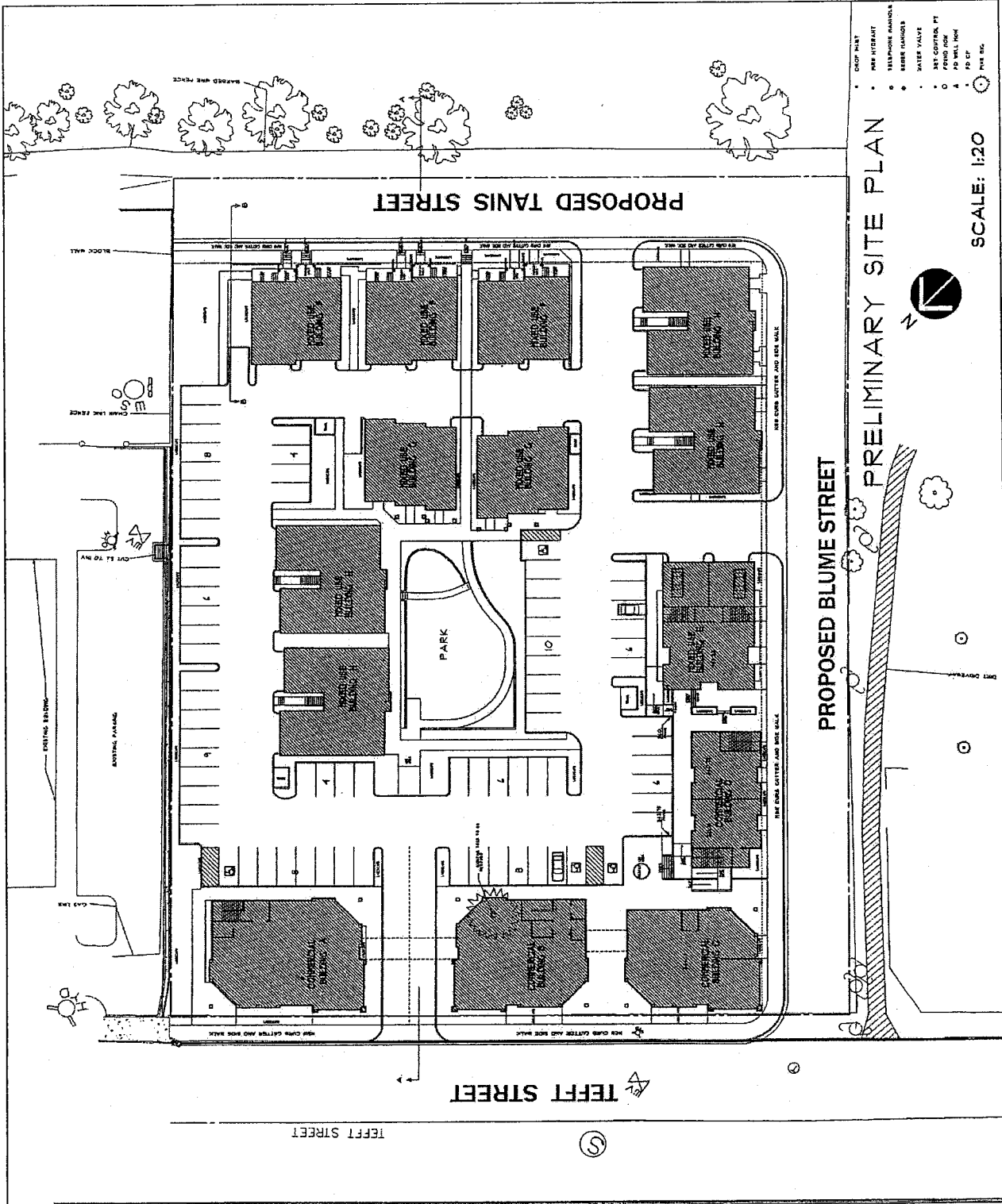


**NORTH**  
Not to Scale

**LAND USE CATEGORY**  
**FIGURE 3**

4-52

Source: County of San Luis Obispo

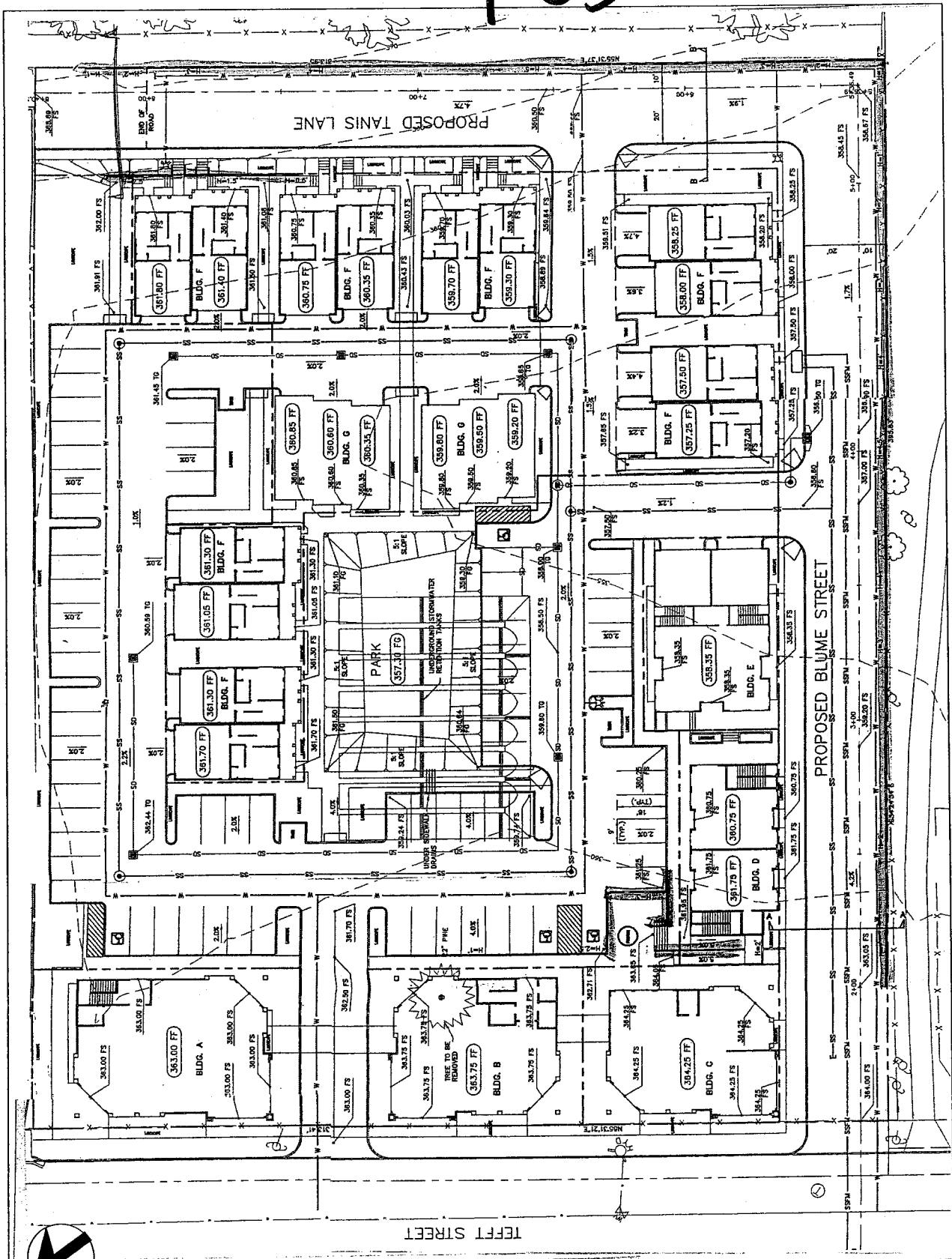


**NORTH**  
Not to Scale

**SITE PLAN  
FIGURE 4**

4-53

Source: Cannon Associates

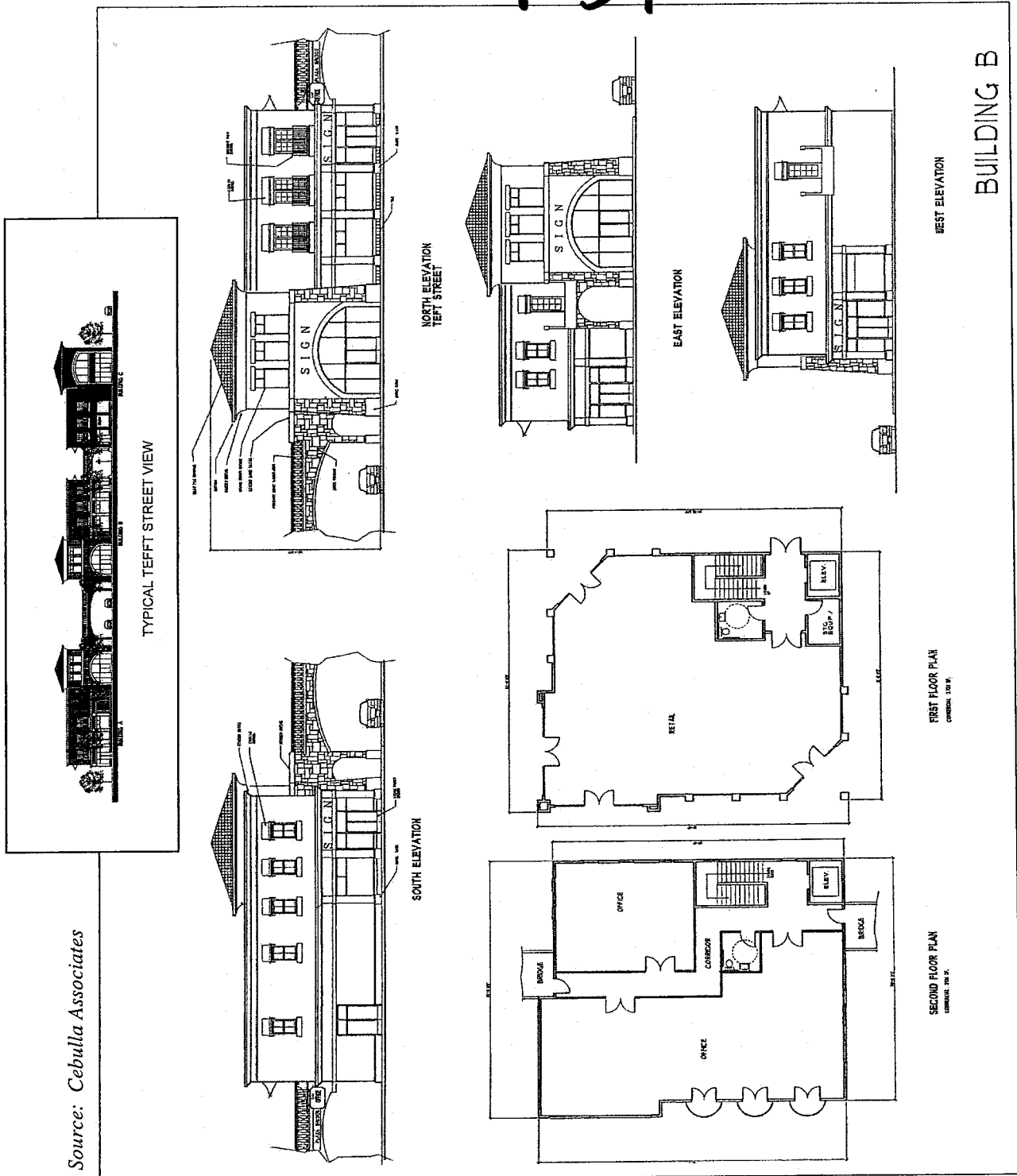


NORTH  
Not to Scale

GRADING PLAN  
FIGURE 5

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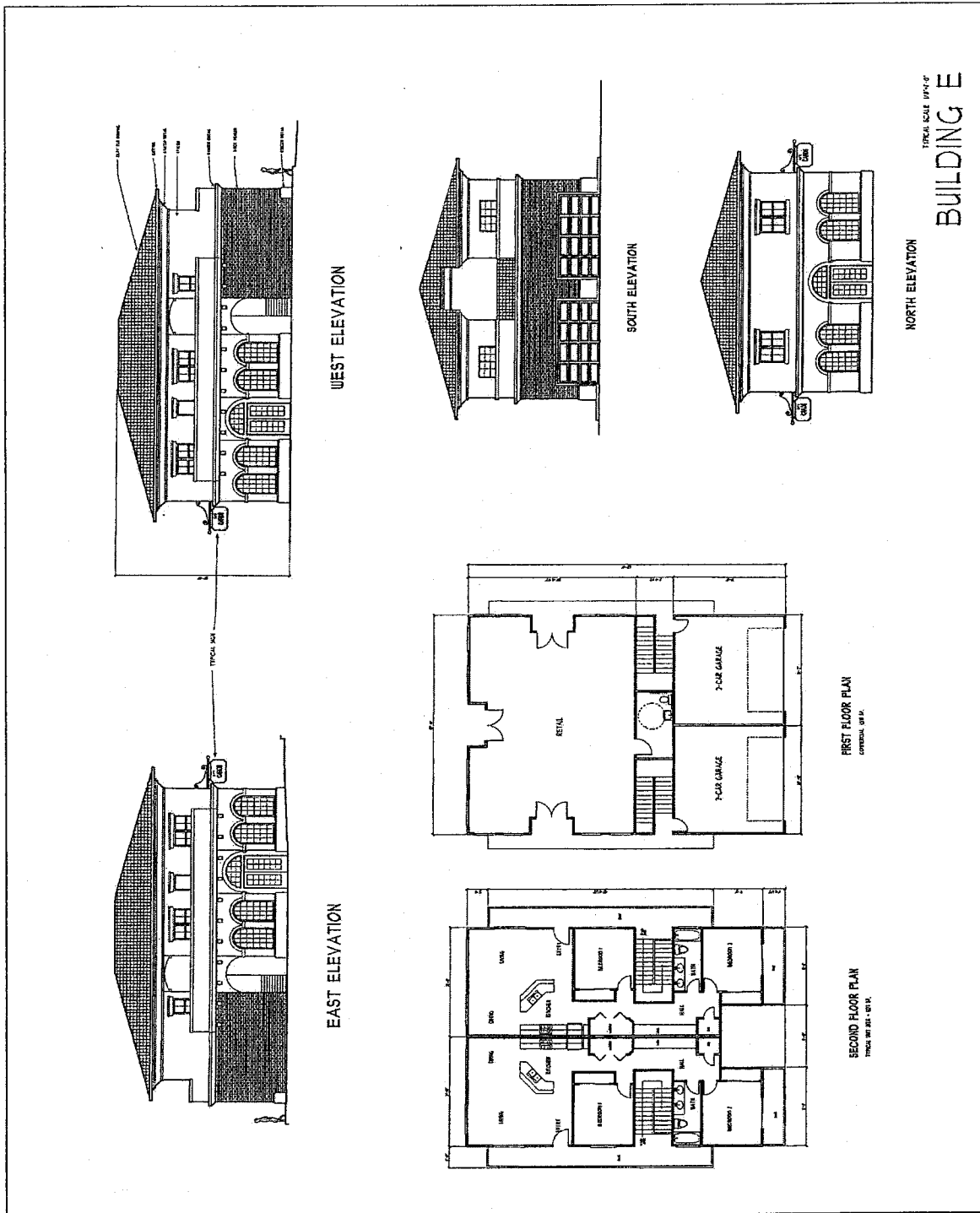
Source: Cebulla Associates



TEFFT STREET ELEVATIONS  
FIGURE 6

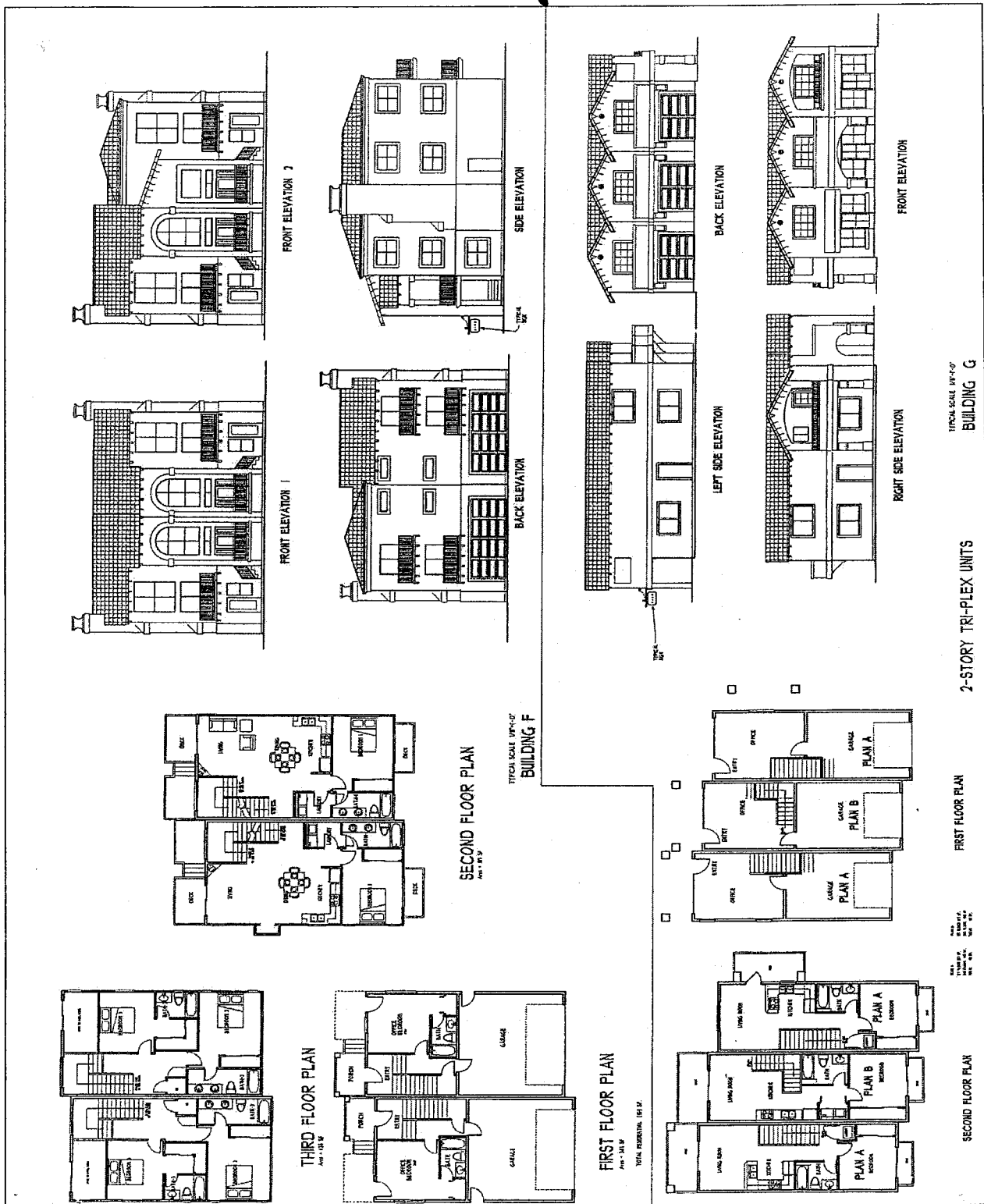
4-51a

Source: Cebulla Associates



BLUME STREET ELEVATIONS  
FIGURE 7

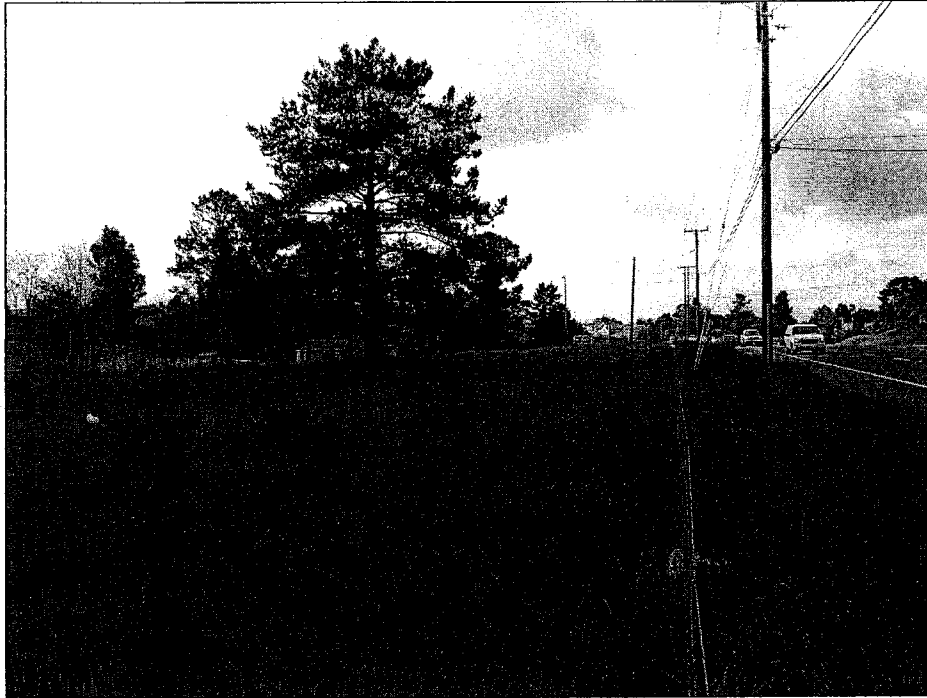
4-55



TANIS STREET ELEVATIONS  
FIGURE 8

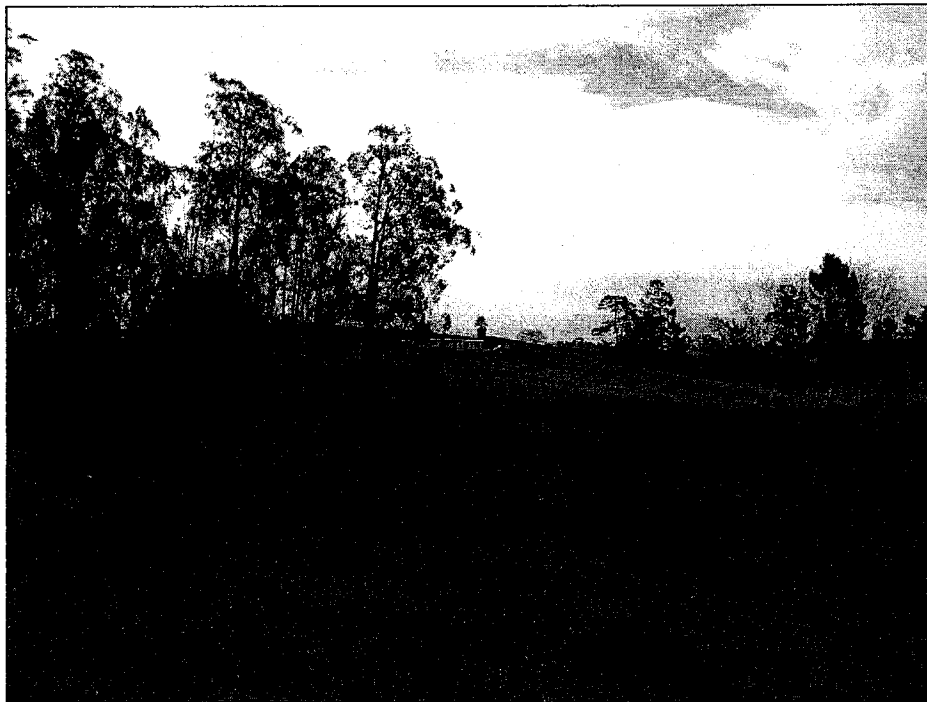


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**Photo 1:**

Viewing southwest from northern property corner. Tefft Street located to right of project site.



**Photo 2:**

Viewing south across the proposed project site. Eucalyptus trees along property line to remain.

**PHOTO DOCUMENTATION  
FIGURE 9**



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

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VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

10/10/2004

FROM

PW

FROM:

LO

South Co. Team

(Please direct response to the above)

691 W. Tefft, LLC

SUB2004-00134

Project Name and Number TR 2690  
2689

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

Tract Map w/ CUP. Mixed Use  
development plan for commercial, office, &  
residential uses. 7 lots on 2.85 Acres in Nipomo.  
APN: 092-130-0130. SW of Hwy. 101.

Return this letter with your comments attached no later than:

10/27/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - STUCKS ATTACHED. PLANNING AREA STILL CALL FOR 84  
PARKWAYS - IT DOESN'T LOOK LIKE THEY ARE PLANNING ON THAT YET. BECAUSE OF AN  
ISSUED Bldg PERMIT ON PROPERTY TO EAST (MICHAEL PUNEK/CLIFF BRANCH) TRMS WILL NEED TO  
CURVE AROUND THAT PROPERTY (UNLESS THE Bldg PERMIT/DEV PLAN EXPIRE BEFORE THIS PROJECT GETS  
VOLLING) AND THEN ROPE BACK TO THE PROPERTY LINE.

15 NOV 2004

Date

GOODWIN

Name

5252

Phone



# County of San Luis Obispo • Public Health Department

4-58

## Environmental Health Services

2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406  
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.  
County Health Officer  
Public Health Director

Curtis A. Batson, R.E.H.S.  
Director

October 22, 2004

Flatley Homes  
P.O. Box 2478  
Nipomo, Ca 93444

ATTN: TERRANCE FLATLEY  
RE: TENTATIVE TRACT MAP 2690 (FLATELY)

### Water Supply and Wastewater Disposal

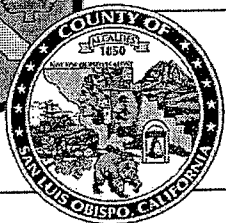
This office is in receipt of a **preliminary** will serve letter from the Nipomo Community Services District to provide water and sewer services to the above noted tract map. Be advised that a final will serve letter and a full size map will be required prior to final recordation. Water and sewer improvements shall be built to each parcel or a bond can be placed with the county to perform the work at a later date. The bond must be reviewed and approved prior to recordation of the map.

**TRACT 2690** is approved for Health Agency subdivision map processing.

*Laurie A. Salo*

LAURIE A. SALO, R.E.H.S.  
Senior Environmental Health Specialist  
Land Use Section

c Kami Griffin, County Planning  
NCSD  
Terrance Flatley, Owner



CDF/San Luis Obispo County  
Fire Department

RECEIVED  
NOV 12 2004  
Planning & Bldg

4-59

635 N. Santa Rosa • San Luis Obispo • California 93405

November 10, 2004

South County Team  
County of San Luis Obispo  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Subject: Parcel Map Project # SUB 2004-00134 / TR2690

Dear South County Team,

I have reviewed the referral for the parcel map plans for the proposed seven lot parcel subdivision project located at 691 West Tefft Street, Nipomo, CA. This project is located approximately 1 to 5 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

**Access Road**

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 20 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.

4-60

- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

#### Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
  - 0-49 feet, 10 feet is required
  - 50-199 feet, 12 feet is required
  - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

#### Water Supply

The following applies:

☒ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☐ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

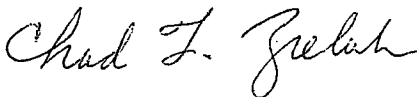
#### Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

Fire Safety Plans shall be required for proposed buildings in new tract for additional fire safety requirements.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,



Chad T. Zrelak  
Fire Captain Inspector

cc: Cannon Associates

**AIR POLLUTION  
CONTROL DISTRICT**  
COUNTY OF SAN LUIS OBISPO

4-61

December 16, 2004

Terry Flatley  
West Tefft LLC  
1248 East Grand Avenue  
Arroyo Grande, CA 93420

Post-it® Fax Note	7671	Date	12-16	# of pages	1
To	Brian Pedrotti	From	Tim Fuhs		
Co./Dept.	Planning	Co.	APCD		
Phone #		Phone #	781-5912		
Fax #	781-1242	Fax #	781-1002		

SUBJECT: Naturally Occurring Asbestos ATCM – Geologic Exemption Request Granted for  
691 West Tefft Mixed Use Project

Dear Mr. Flatley:

Thank you for your submittal for exemption from California Code of Regulations Section 93105 (Naturally Occurring Asbestos ATCM) dated December 2, 2004. After review of the documentation, the District agrees with the geological evaluation and grants West Tefft LLC's request for exemption for the scope of evaluations at the 691 West Tefft Mixed Use Project.

*Expiration of the Geologic Exemption:* If West Tefft LLC or its contractors subsequently discover any naturally occurring asbestos, serpentine, or ultramafic rock in the area to be disturbed, then:

1. West Tefft LLC or operator must comply with the requirements of CCR 93105;
2. West Tefft LLC or operator must report the discovery of the naturally-occurring asbestos, serpentine, or ultramafic rock to the APCO no later than the next business day; and
3. The exemption under CCR 93105 subsection (c) (1) shall expire and cease to be effective.

Based on the information provided, the initial grading portion of the project and certain other construction activities can potentially generate large quantities of nuisance dust. This fugitive dust could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402, Nuisance. The District strongly recommends the implementation of the dust mitigation practices listed in your conditions of approval for this project (pending).

If you have any questions, please contact me at (805) 781-5912.

Very truly yours,

TIM FUHS  
Air Quality Specialist

TJF/lmg

cc: Brian Pedrotti, SLO County Building and Planning

H:\ENFORCE\TIM\WORD\noa\constgrdelitrs\exempt691westtefft.doc



4-62 15  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

2004 OCT 12 AM 10:23

VICTOR HOLANDA, AICP  
DIRECTOR

BP  
THIS IS A NEW PROJECT REFERRAL

DATE:

FROM:  
TO:  
TO:  
FROM:

10/10/2004 11/23/04

Parks

South Co. Team

(Please direct response to the above)

691 W. Tefft, LLC

SUB2004-00134

Project Name and Number TR 2690

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

Tract Map w/ CUP. Mixed Use  
development plan for commercial, office, &  
residential uses. 7 lots on 2.85 Acres in Nipomo.  
APN: 092-130-0130. SW of Hwy. 101.

Return this letter with your comments attached no later than:

10/27/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒

YES

(Please go on to Part II)

☐

NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒

NO

(Please go on to Part III)

☐

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Require payment of applicable Building Division  
fees SEE Attached memo

11/23/04  
Date

JAN D. [Signature]  
Name

X 4089  
Phone



4-63

# MEMO

TO: Cannon Associates - Scott Bruce  
FROM: Jan Di Leo  
DATE: November 23, 2004  
RE: Quimby Credit

In your application you request a Quimby Credit for common open space. Please note, the Quimby Ordinance is only applicable if you are creating condominiums or residences on individual lots, i.e., completing a residential subdivision. If you are creating apartment buildings, the Quimby Ordinance is not applicable. In such a case, you would request a Public Facility Fee credit.

In order to be eligible for a Quimby Credit or Public Facility Fee Credit you must provide Parks with additional information. Once you provide this information, Parks can give you a better idea if you are eligible for a credit or waiver.

Attached are sections of the San Luis Obispo County Quimby Ordinance that are relevant to obtaining a Quimby credit. Please note, you must be consistent with Sections 21.09.022 (a - b), and 21.09.020 (a-e). If you feel you are consistent with these sections, please:

- a. Provide a written response to Sections 21.09.022 (a and b) and 21.09.020 (a-e). Please note, Section 21.09.020 (e) requires that the land *provide* recreation. Thus, your proposal should include recreational items such as a tot lot, barbecues, picnic tables, etc. The credit is equivalent to the cost of providing these items (the design and construction).
- a. Provide a site plan which clearly indicates the area proposed as open space and recreation.
- b. Indicate in your letter who your planner is in the Planning and Building Department and your project's case numbers (e.g., SUB 2004-00104, TR 2671).
- c. Send this information to my attention at General Services Department, 1087 Santa Rosa Street, San Luis Obispo, CA 93408.

Once I receive your request I will let you know if I have questions or concerns with your proposal. Once Parks has reviewed your request, we will make a written determination whether a credit is in order and the amount of the credit. If you have other questions please give me a call at (805) 781-4089 or send me an e-mail at [jdileo@co.slo.ca.us](mailto:jdileo@co.slo.ca.us). THANKS!

cc: South County Team



# NIPOMO COMMUNITY

## BOARD MEMBERS

MICHAEL WINN, PRESIDENT  
JUDITH WIRSING, DIRECTOR  
ROBERT BLAIR, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR  
LARRY VIERHEILIG, DIRECTOR



# SERVICES DISTRICT

## STAFF

MICHAEL LeBRUN, GENERAL MANAGER  
LISA BOGNUDA, ASSISTANT ADMINISTRATOR  
DAN MIGLIAZZO, UTILITY SUPERVISOR  
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

SUB2004 - 00134

October 19, 2004

San Luis Obispo Co. Planning  
South County Planning Team  
County Government Center  
San Luis Obispo, CA 93408

SUBJECT: TRACT ~~2690~~ TR 2689

Dear South County Planning Team,

The subject project will require sewer and water service from Nipomo Community Services District. Development that increases density above that allowed by the South County Area Plan, Inland, May 2002, requires supplemental water.

Proponent's application indicates they possess a Will Serve letter. Nipomo Community Services District issued a conditional Intent to Serve letter for APN 092-130-016, on June 24, 2004.

If you have any questions, please don't hesitate to call.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael LeBrun  
General Manager

Enclosure

June 23, 2004, Intent to Serve

## NIPOMO COMMUNITY

## BOARD MEMBERS

MICHAEL WINN, PRESIDENT  
JUDITH WIRSING, VICE PRESIDENT  
ROBERT BLAIR, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR  
LARRY VIERHEILIG, DIRECTOR



## SERVICES DISTRICT

## STAFF

DOUGLAS JONES, GENERAL MANAGER  
LISA BOGNUDA, ASSISTANT ADMINISTRATOR  
JON SEITZ, GENERAL COUNSEL  
DAN MIGLIAZZO, UTILITY SUPERVISOR

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

June 23, 2004

Terrance B. Flatley  
1715 N. Refugio Rd.  
Santa Ynez, CA 93460

SUBJECT: INTENT-TO-SERVE WATER SERVICE  
APN 092-130-016 691 W. TEFFT STREET  
22-UNIT DEVELOPMENT IN NIPOMO

An Intent-to-Serve letter for water and sewer service for APN 092-130-016, a 22-unit development at 691 W. Tefft Street in Nipomo, is granted subject to the following conditions:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water, sewer and other fees associated with this development.
4. Construct the improvements required and submit the following:
  - a. Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
  - b. Offer of Dedication
  - c. Engineer's Certification
  - d. A summary of all water and sewer improvement costs
5. Install and pay fees for separate fire service, if CDF requires on-site fire protection.
6. Comply with District water conservation program.
7. This Intent-to-Serve Letter will expire two years from date of issuance.

As required by Section 19.20.238 Title 19 of the San Luis Obispo County Code, the Nipomo Community Services District certifies that it will provide potable water service to APN 092-130-016 and that it has sufficient water resources and sewer system capacity to provide such service. Notwithstanding any other language in this letter, the District certifies that (1) it will provide new service to the parcel(s) within the development on the same basis as it provides new service to any other legal parcel within the District's service area; and (2) once new service is established for a parcel(s) within the development, the District will provide service to said parcel on the same basis as it provides service to other customers within the same land use designation.

This is an Intent to Serve letter

Terrance B. Flatley  
APN 092-130-016  
Intent-to-Serve  
June 23, 2004  
Page Two

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Notwithstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.

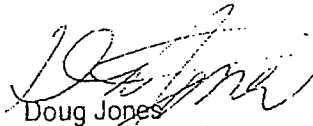
The County Planning & Building Department is directed to withhold the building permit until the District's fees have been paid.

This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

A TWO YEAR EXPIRATION DATE IS IN EFFECT

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

  
Doug Jones  
General Manager

Will-Serve/Intent/APN 092-130-016 FLATLEY



**AIR POLLUTION  
CONTROL DISTRICT**  
COUNTY OF SAN LUIS OBISPO

**RECEIVED**

OCT 29 2004

DATE: October 27, 2004

4-67

SLO CO PLANNING & BLDG.

TO: South County Team  
San Luis Obispo County Department of Planning and Building

FROM: Jan Downs Vidalin *gov*  
San Luis Obispo County Air Pollution Control District

SUBJECT: 691 West Tefft, LLC, Nipomo, Tract Map with CUP, Mixed Use (SUB2004-00134)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 691 West Tefft Street in Nipomo. The project involves a Tract Map (Tentative Tract 2689) with a Conditional Use Permit (CUP) consisting of a mixed use Development Plan for commercial, office, and residential uses. The commercial/office portion is the primary use in the project (53.9%), and the residential portion is the secondary use (46.1%). The tract would be split into seven lots with 14 structures (22 units) on 2.85 acres in Nipomo. The total landscaped area is 17% of the site, and parking includes 113 spaces with 75 open and 38 covered. The property is currently zoned commercial retail (CR). It is located approximately 1/3 mile west of Highway 101 on the south side of Tefft Street in the Nipomo Village, a part of the unincorporated area of San Luis Obispo County. The following are APCD comments that are pertinent to this project.

**GENERAL COMMENTS:**

An important part of the subdivision review process is a consistency analysis with the District's Clean Air Plan (CAP). The CAP was developed to address issues that contribute to poor air quality in our area, and to identify strategies to reduce those impacts; this includes land use policies designed to reduce reliance on the automobile, such as compact, infill and mixed-use development. When people can walk to nearby stores, parks, and work, traffic is reduced and the potential for mass transit use increases. The proposed infill development project is consistent with the surrounding land uses and provides development where such development is planned and expected. The proposed project has been determined to be consistent with the CAP.

We would like to commend the applicant on several elements of the project design:

1. The project provides development within the Nipomo Village with nearby access to commercial services and transit service, which will reduce dependence on driving.
2. The project provides development within the URL where such development is planned for and expected.
3. The proposed commercial/residential buildings are two or three stories, resulting in a greater floor to area ratio. This creates a higher density land use, making transit services more viable and effective.

4-68

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

**SPECIFIC COMMENTS:**

**CONSTRUCTION PHASE EMISSIONS:**

**Dust Control Measures**

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule.

**APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

**Naturally Occurring Asbestos**

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slcleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

**Developmental Burning**

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed.

4-69

This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

#### Mixed Use - Incompatibilities

As the project moves forward it is important to keep in mind that some uses may not be compatible and could result in nuisance problems (i.e. complaints from odors and/or dust). Therefore, it is essential that individual uses be carefully evaluated prior to issuance of a use permit. **The following uses could be problematic and should be restricted when residential quarters are included in the same building.**

- Nail salons
- Dry-cleaners
- Coffee roasters
- Furniture refurbishing/refinishing

#### Residential Wood Combustion

Under APCD Rule 504, **only APCD approved wood burning devices can be installed in new dwelling units.** These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters;
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

#### **OPERATIONAL PHASE EMISSIONS:**

##### Mitigation of Operational Impacts

The APCD staff considered the operational impact this industrial development by running the URBEMIS2002 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. The results of the model using conservative County average trip distances demonstrated that the operational impacts will likely exceed the APCD's CEQA Tier I significance threshold value of 10 lbs/day for nitrogen oxides (NOx) and for reactive organic gases (ROG). **As a result of this estimated threshold exceedance, this project needs to implement all applicable Standard Mitigation Measures and at least three (3) Additional**

4-70

**Mitigation Measures listed below.** Should this project move forward, these mitigation measures will reduce the overall air quality impacts from this project. Other measures may be proposed as replacements by contacting Andy Mutziger of the APCD's Planning Division at 781-5912.

**Standard Measures (Include all applicable standard mitigation measures below.)**

- Provide on-site bicycle parking. One bicycle parking space for every 10 car parking spaces is considered appropriate.
- Provide on-site eating, refrigeration and food vending facilities to reduce employee lunchtime trips.
- Provide preferential carpool and vanpool parking spaces.
- Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
- Increase walls and attic insulation beyond Title 24 requirements.

**Additional Measures (Include at least 3 of the following)**

**Site Design Mitigation for this Commercial Project**

- Increase street shade tree planting.
- Increase shade tree planting in parking lots to reduce evaporative emissions from parked vehicles.
- Provide on-site child care facilities for employees.
- Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment with designated walkways.
- Provide pedestrian signalization and signage to improve pedestrian safety.

**Transportation Demand Mitigation**

- If the project is located on an established transit route, improve public transit accessibility by providing a transit turnout with direct pedestrian access to the project or improve existing transit stop amenities.
- Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc by implementing the Transportation Choices Program. The applicant should Contact SLO Regional Rideshare at 541-2277 to receive free consulting services on how to start and maintain a program.
- Provide Transportation Choices Program information centers on alternative transportation modes at the site (i.e. a transportation kiosk). Contact SLO Regional Rideshare for appropriate materials at 541-2277.
- Employ or appoint an Employee Transportation Coordinator.
- Implement an APCD approved Trip Reduction Program
- Provide for shuttle/mini bus service.
- Increase the quality of existing bicycle routes/lanes or add bicycle routes/lanes which access the project.
- Implement compressed work schedules.
- Implement a telecommuting program.
- Implement a lunch-time shuttle to reduce single occupant vehicle trips.

4-71

- Participate in an employee "flash pass" program, which provides free travel on transit buses.
- Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.
- If the development is a large grocery store or large retail facility, provide home delivery service for customers.

#### Energy Efficiency Measures

- Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
- Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
- Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways (increasing attic, wall, or floor insulation, installing double pane windows, using efficient interior lighting, etc.).
- Use built-in energy efficient appliances, where applicable.
- Use double-paned windows.
- Use low energy parking lot and street lights (e.g. sodium).
- Use energy efficient interior lighting.
- Use low energy traffic signals (e.g. light emitting diode).
- Install door sweeps or weather stripping if more energy efficient doors and windows are not available.
- Install high efficiency or gas space heating.
- Replace diesel fleet vehicles with cleaner fueled low emission vehicles (e.g. school buses, transit buses, on and off road heavy duty vehicles, lighter duty trucks and passenger vehicles).
- Retrofit existing equipment to reduce emissions through methods such as catalyzed diesel particulate filters, diesel oxidation catalysts, or other approved technologies.

#### Mixed Use - Permitting

In addition, it is possible when considering the range of allowable uses within the mixed-use designations that District permit approval may be required. While compatibility with neighboring residents is a concern, if the following or similar business types are approved an APCD permit may be necessary. **Potential uses that could be subject to District permit approval include, but are not limited to the following:**

- Electrical generation plants or the use of standby generator
- Food and beverage preparation (primarily coffee roasters)
- Furniture and fixture products
- Small scale manufacturing
- Dry cleaning



4-72

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AAG/JDV/lmg

cc: David Dixon, SLOAPCD Engineering Division  
Karen Brooks, SLOAPCD Enforcement Division  
Tim Fuhs, SLOAPCD Enforcement Division

Attachment 1: Naturally Occurring Asbestos Construction & Grading Project-  
Exemption Request Form

H:\ois\plan\response\2940.doc